

**MINUTES
NORTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS
NOVEMBER 17, 2008**

The regularly scheduled meeting of the North Lebanon Township Board of Supervisors was held at 7:00 PM at the Municipal Building located at 725 Kimmerlings Road, Lebanon, PA with the following people present:

Edward A. Brensinger	Chairman
Kenneth C. Artz	Vice-Chairman
Dawn M. Hawkins	Treasurer
Cheri F. Grumbine	Township Manager
Harold L. Easter	Chief of Police
Frederick Wolf	Henry & Beaver LLP

Also in attendance was Kathy Hackleman of the Lebanon Daily News, Rodger Sands of the Patriot News and many other individuals. The meeting was called to order and the pledge to the flag was done.

COMMENTS FROM THE PUBLIC

A.) John/ Jeanne Strack Subdivision Plan; Resolution 19-2008 –Planning Module

Representative from Rieber Assoc

This subdivision plan shows a single lot being divided from the lands owned by John and Jeanne Strack located on the north end of Nettie Drive. The single residential lot will contain 3.143 acres and is to be served by an on-lot septic system. The Planning Module is ready to be adopted by Resolution 19-2008 and will then be forwarded to the delegated local agency (LCPD). Both NLT Planning Commission and Lebanon County Planning Department have reviewed and recommended approval of this plan. Jim Hartman from Rieber Assoc is present to discuss the plan. He explained some of the details of the plan to the Board. Suv Brensinger discussed the cul-de-sac that is in place, which when built was deemed temporary. With the approval of this subdivision plan, he is assuming that that cul-de-sac will now become permanent. Hartman agreed it will remain as it is. The driveway for this proposed lot accesses off the cul-de-sac. Suv Brensinger questioned the Stone property and the bulb of the cul-de-sac being partially on the Stone's property. Jim Hartman stated that his understanding is that the property lines are as shown on the plan. Suv Brensinger said he was aware there was a previous agreement so the Stone's must be in agreement with what is shown for the property lines. Suv Hawkins questioned the irregular shaped lot. She was told the natural tree line frames the property size as well as the placement of the on lot septic system.

Mgr Grumbine explained to the Board that should they approve this plan this evening, there are 3 issues to consider: (1) a condition that the bonding is posted with LCPD for associated improvements (2) Approval of the Park & Rec agreement and (3) Resolution No. 19-2008 should be adopted for the approval of the Planning Module.

MOTION was made and seconded to adopt Resolution No. 19-2008, the Planning Module for the Strack Subdivision Plan. Unanimously carried.

MOTION was made and seconded to approve the Park & Rec agreement and John/Jeanne Strack Minor Subdivision Plan. Unanimously carried.

B.) Machamer Subdivision Plan – Weavertown Road

This plan shows 2 separate lot additions pertaining to 2 parcels of land owned by Machamers. There is a single family structure located on the rear lot (lot #1). The original plan showed lot #2 fronting Weavertown Road and lot #1 having access to the rear lot on the eastern side of the lot. However when construction took place the access was located on the west side of the lot #2, which means the access was not in accordance with the approved plan. The current plan shows swapping the access for lot #1 to the east side.

Machamer Subdivision Plan (con't)

The plan also shows proposed development for lot #2 as a single family dwelling, driveway access onto Weavertown Road, stormwater management facilities and associated improvements. As this area is known to have a water problem, pictures were taken during a recent storm and provided to the County Engineer in order to resolve the problem if any construction takes place on lot #2. The Engineer is present to explain any issues with the existing water problems. Josh Weaber, of Steckbeck Engineering, explained the details shown on the plan. When asked about filling in what appears to be wetlands, Weaber said the area is not a delineated wetland area and that a wetland study had been completed.

Lebanon County Planning has recommended approval of this plan as well as the NLT Planning Commission during the 11-10-08 meeting. The Municipal Authority had approved the plan at their 11-13-08 meeting. The Park & Rec agreement has been signed and returned along with payment of fees. Mgr Grumbine is suggesting the Supervisors consider approving the Machamer plan conditional on bonding being posted with Lebanon County for associated improvements. Some discussion took place about the area along Weavertown Road that some people consider to be wetlands. Suv Brensinger stated that the area is wet, especially after a storm but is not an official wetland area.

MOTION was made and seconded to approve the Craig/Carrie Machamer Park & Rec agreement and Minor Subdivision Plan. Unanimously carried.

C.) Earl Roberts – 1700 West Kercher Avenue

Mr. Roberts introduced himself to the Board and stated he has two concerns to discuss with them this evening. He mentioned all the previous activities connected with the Linford Snyder property (2035 N 7th St) located on the corner of Rte 343 and W Kercher Avenue. In the early spring of 2008 excavation work was completed on the property located on the hard turn of W Kercher Avenue. Large trucks began arriving at all hours of the night and depositing slurry sludge which had been collected from a state route paving project. Mr. Snyder had reported to the Township on his activities only after the Conservation District strongly suggested that he inform the Twp. The property owner did not communicate this activity to any of the surrounding neighbors. Mr. Roberts stated he does not object to the activity itself however is still concerned about the leaching of the sludge into neighboring well areas. He discovered Mr. Snyder had a similar operation going on at another property he owns in another municipality. The operation had to shut down because of leaching of the sludge into a neighbor's well supply.

A lengthy conversation followed about the activities conducted on this farm over the spring and summer months. Suv Brensinger told Roberts the operation has now ceased as the weather has gotten too cold to continue the paving projects. Roberts told the Board his concern right now is the mess that has been left. It has been weeks since anyone has done anything at this location. The pile of graying sludge material is stacked out along the property edge and is unsightly. Mrs. Roberts asked if there is any Twp ordinance that would govern an amount of time the piles of gray debris may be left there. Suv Brensinger replied that as an Ag district he does not think the ordinances would specify a time limit. Another issue is the debris that has been left on the road surface, both W Kercher Ave and Rte 343. He told the Board he wanted them to be aware of his concerns about the condition of the property.

Mr. Roberts told the Board he has another large concern about this Agricultural property as well as some of the properties surrounding the Snyder farm. The property had been listed for sale for quite some time. He said he is aware there is an agreement of sale for the Snyder property. Also he has heard there is an agreement of sale for 2 other farms that are contiguous with the Snyder property. These 2 properties are located in Bethel Twp. Mr. Roberts continued his remarks by telling the Board that he and another neighbor of his had been contacted by an individual to gauge interest about selling their properties. He stated that his neighbor had discussed the offer and after learning more information had decided he was not interested and told the man that he is not interested. Roberts's neighbor informed him the intent for the use of the land is not for agricultural purposes. Recently they received letters in the mail asking about the opportunity to purchase both properties.

Earl Roberts (con't)

Mr. Roberts stated his reason for coming here tonight to talk about this is because he is very concerned about this whole area which is zoned Intensive Agriculture. He reminded the Supervisors he had attended several meetings at the Township building when the Intensive Ag district was created. A lot of people gave of their time to sit on the committee and attend the meetings. During those meetings a significant emphasis was placed on the need for an Agricultural zone and a strong desire on the part of the Township and the people who own those farms to preserve the use of those farms. Mr. Roberts has learned there is movement toward taking some of the preservation away and change the zone on the property. He has learned this from a recent phone call he has received from a Mr. Culvert who indicated the use would be for something other than Agricultural. Mr. Roberts said he has discussed this with the Economic Development Council and has learned that Mr. Culvert is looking for land that contains high voltage line and an outlet for natural gas pipeline. Suv Brensinger agreed that both of those items do exist in that area and that the neighbor he has mentioned would be Mr. John Hain.

At this point Roberts said he will be discussing this issue with his neighboring property owners and eventually will speak with Mr. Culvert, as he has not spoken to him yet. Mr. Culvert has not been very open with Mr. Hain about what his intentions are so Roberts does not expect to learn anything new from Mr. Culvert. His concern is that this matter not get out of hand before the property owners have an opportunity to speak their minds and speak to the Board of Supervisors about all their concerns regarding their connecting properties. Five years ago this Board said they wanted to retain the Agricultural nature of this area. It is his hope those thoughts are still what matters to the Supervisors. Roberts told the Board he has uncertainties about the nature of this matter as it progresses and he does not want to lose the opportunity for the property owners to have their say before anything goes any further with the proposed project that seems to be gathering momentum and seems to be progressing. He is informing the Board of Supervisors he is definitely opposed to any use of the properties other than Ag purposes. Suv Brensinger agreed this is definitely an area that was designated as Agricultural. The Board has noted Mr. Roberts's opposition.

Sol Wolf stated that if the use is to be considered for anything other than its zoning designation, the individual would have to go through proceedings with LCPD and the Township. A petition will be filed with the Lebanon County Planning for a change of zoning which will require a Public Hearing. The Twp Supervisors cannot prevent an individual from asking or petitioning for a requested change. Mr. Roberts told Sol Wolf he is aware of the process required. However judging from what has occurred around him already by the time the situation gets to public comments, the momentum has already carried it beyond the public concerns. He wants to avoid being at the tail end of this process and wants to "board the bus" early by voicing his opposition and concern about this issue.

D.) Bruce Sattazahn – Proposed Use of Maple Street Property; Front Yard Setback Relief

Bruce Sattazahn and Bill Smeltzer spoke to the Planning Commission during their meeting last week. Bruce would like to construct a 6000 SF building on the existing Pansy Hill nursery site. There are several issues to be considered when planning for a building on this site. There are 3 sides which could be considered "front yards" which means a setback variance will probably be needed. The rear side of the lot has a very steep drop-off. A Zoning Hearing will be needed but Bruce and Bill wanted to hear if the Supervisors have any objections and what the objections might be before deciding about a ZHB application. A sketch produced by Matthew & Hockley shows the location and size of the building that Sattazahn is hoping to construct. The ingress and egress is shown off Rte 72. A lot of conversation took place about this location and the reason for a setback variance. Mr. Sattazahn said he would like to have a response from each of the Supervisors as to his/her thoughts on a setback variance.

Suv Artz expressed his concern that he not offer an opinion until the Zoning Hearing Board has heard the request and can make a determination without hearing an opinion voiced by the Supervisors. He does not want to think his thoughts influenced the ZHB opinions. He would have no problems if the ZHB approves the setback variance.

Proposed Use of Maple Street Property (con't)

Suv Brensinger expressed a desire to have a formal plan for this proposal. This is the same scenario that Joe Zidik used for his proposal for his property located off Mechanic Street. They had to reapply several times for hearings. He asked Sattazahn to check and make sure he knows what other issues might have to be heard by the ZHB before applying for the setback variance. Also if the Zoning Hearing Board does not agree to the setback variance there does appear to be other options to construct a building on this property.

Suv Hawkins said she is not in favor of this request or the placement of the proposed building. When looking at the drawing it appears there is ample area to construct this building by moving it slightly to fit within the building envelope. Another option would be to reduce the size of the proposed building. She questioned Sattazahn if he plans to sell with a building constructed or just have approval for a building to be constructed. Sattazahn told her he does not really know at this point. She is concerned that several small businesses in a building such as this would complicate the traffic already current at this corner. Suv Hawkins said she could not support this request for a setback variance.

Sol Wolf told Mr. Sattazahn that he should be prepared to be asked the same questions by the Zoning Hearing Board that have been asked here tonight. Sometimes the Zoning Hearing Board will attach restrictions on their approvals if they have certain concerns. Mr. Sattazahn thanked the Board for being honest and giving him their thoughts.

APPROVAL OF MINUTES

MOTION was made and seconded to approve the minutes from November 3, 2008. Unanimously carried.

APPROVAL PAYROLL and PAYMENT OF INVOICES

MOTION was made and seconded to approve payroll, invoices for payment subject to audit. Unanimously carried.

CHIEF OF POLICE REPORT - Harold Easter**A.) Calls for Service – October 2008**

The total calls for service in the month of October were 264 with the high day being Wednesday. Chf Easter mentioned a few of the types of calls received and the total amount of miles logged on the vehicles.

B.) EOP Update

There was no update for the Emergency Operation Plan. An email had been sent to Ron Miller but to date no response has been received.

C.) Proposal from High Safety Consulting Services – Code Enforcement Inspections

A proposal from High Safety Consulting Services had been tabled at a previous meeting. This would be services completed by Chris Miller along with Lt Wengert's code enforcement activities. Both Chf Easter and Lt Wengert are recommending this proposal be approved. Lt Wengert is not certified to complete the inspection to determine the safety of the structures. At this point the City of Lebanon has not hired anyone to replace Mr. Miller as Safety Code Enforcement Officer. Suv Hawkins asked if the contract specifies a time period. She was told it is a one-year contract which means a decision to change could be made if the City hires another Safety Code Enforcement Officer. Suv Brensinger agreed saying one of our Officers might at some time become certified.

MOTION was made and seconded to enter into agreement with High Safety Consulting Services on as needed basis for code enforcement services. Unanimously carried.

D.) Fire Marshal/ Arson Investigator

Chf Easter reported that he had met with the Fire Chiefs to discuss the Fire Marshal title. After the meeting it was decided that Chf Easter would request the title be changed from Fire Marshal to Arson Investigator.

Fire Marshal/ Arson Investigator (con't)

Suv Brensinger questioned Sol Wolf if the Board needs to rescind their original MOTION or just amend the MOTION. Sol Wolf stated that if the appointment was completed by a MOTION, the title change can be accomplished by a MOTION also.

MOTION was made and seconded to change the title of Fire Marshal to Arson Investigator for Officer Brad Pflueger, as well as following the protocol established with the Fire Chiefs of the Twp. Unanimously carried.

TOWNSHIP MANAGERS REPORT – Cheri F. Grumbine**A.) Preliminary All Funds Budget for 2009**

Mgr Grumbine reviewed the preliminary budget for 2009. She read over the prepared documents which outline the proposals for 2009. After the reading of the preliminary budget, she said the Board will be asked to authorize the advertisement of the Proposed Budget and will be acted upon at the December 15th meeting.

General Fund – proposed mills for 2009 real estate tax is 8 mills, the same rate as 2008

1. Changes in the General Fund are anticipated due to the change within the EIT Bureau. It is anticipated the individual payments will increase as well as the payments to the Twp will be more timely.
2. The remaining issue is the “over/ under” distribution is expected to be resolved by the end of 2008.
3. For 2009 the Twp has contracted with Lebanon County Treasurer’s Office for collection of Twp Real Estate Taxes and Street Light Taxes.
4. The LST (Local Services Tax) is set at \$52 for 2009.
5. The largest expenditure increase is for utilities.

D.A.R.E. Fund – Chf Easter works with our 2 DARE Officers on this program which is provided for the 2 elementary schools in our Twp.

1. Grant money is applied for to subsidize this fund.
2. In recent years Cornwall-Lebanon School District (Falcon Foundation) has funded some for the services for this program.

Street Light Fund – No increase is asked for in the 2009 proposed budget.

Capital Improvement Fund – There are no changes in the payments for 2009 regarding the building expansion project. The Twp maintenance crews will work on completing the crime lab and evidence room during the winter months of 2008/2009.

Capital Reserve Fund – The purchase of a new roller, sandblasting and painting for the newly acquired 1983 grader (replaces the 1966 grader).

Special Projects Fund – Included in this fund are various recycling related Grants available through DEP. Several pieces of large road equipment are purchased through this fund in relation to the Grants. The Twp’s Yardwaste Facility is also funded from this fund. For 2009 a proposed increase to the annual residential fee of \$25 to \$30 per calendar year is shown. An increase in the Commercial rates is also proposed. A 2 tier rate is proposed. Any business utilizing the facility less than 100 trips per year will pay \$275 and any business making more than 100 trips will pay \$550.

Park & Recreation Fund – the revenue in this fund is maintained by the developers. A fee of \$1250 per new lot is paid into this fund and is used to purchase recreation equipment and other items.

Liquid Fuels Fund – This fund receives allocations from the State and is mandatory to go into this fund. The projected amount to be received from PADOT in 2009 is showing a decrease of \$10,000. The paving project for 2009 consists of a small base repair and resurfacing on a 150' x 34' section of Redwood Lane and a 260' x 20' section of Poplar Lane. Other various projects started will be monitored.

Suv Hawkins wanted to verify the comment about the new truck proposed through the Special Projects Fund. Does she understand that if the Grant is not awarded the truck would be purchased from though Liquid Fuels Fund? Her question is does that include the leaf loader or not. The response was that the leaf loader would not be included as it could not be paid from the Liquid Fuels Fund. Mgr Grumbine repeated the Proposed Budget will be advertised. Should anyone want to meet to go over the entire budget or ahs questions she would be happy to make an appointment and discuss it with them. The final adoption will occur 12-15-08.

MOTION was made and seconded to approve the Preliminary All Funds Budget for 2009. Unanimously carried.

B.) Make a Wish Request

The Twp has received a letter of request from the Make-A-Wish Foundation regarding a family who lives in NLT. The child in this family has requested a private fireworks showing for his family and friends. The letter indicates Schaefer Pyrotechnics is cooperating with this family to grant this request. Chief Gettler of the Rural Security Fire Company has also volunteered to be on standby to provide safety for this event. No specific time has been mentioned and they are flexible as to suggestions. The foundation is asking for recommendations for a location to hold this event and have provided certain needs the child will require.

Mgr Grumbine was able to contact Kimmel Schaefer of Schaefer Pyrotechnics, who confirmed he had received this request from the Make-A-Wish foundation. He has agreed to contact the Foundation directly to work on more specific information on a location and the size display requested. Mr. Schaefer confirmed they do carry \$5 million in insurance. During the week of November 17th Mr. Schaefer is going to meet with Chief Gettler and a representative from the Ebenezer Fire Company at the Lions Lake facility and the Community Park facilities to determine if either of these 2 locations might work for this event. Mgr Grumbine is asking the Board to voice an approval if either of these 2 sites is deemed appropriate. Mgr Grumbine is hoping to follow through with an approval process so the Foundation can proceed with granting this wish. The Foundation is tentatively suggesting the first Saturday in April which would be April 4th.

Mgr Grumbine explained the law requires the Board of Supervisors to (1) verify the applicant is a competent operator; (2) require a bond (PSATS recommends a minimum \$1 million); (3) inspect the site to ensure it is a safe location. Once a determination is made the Athletic Associations would need to be informed as this would be baseball season. Mgr Grumbine asked Sol Wolf if he has anything to add. Mgr Grumbine wanted confirmation from the Board that they are agreeable to the 2 locations mentioned. The Supervisors indicated they are willing to provide the location once everything has been reviewed and determined acceptable. Once all the details are in place, this issue will come back to the Supervisors for a final approval. Kevin Boltz, from the audience, provided the name of Chuck Allwern from Mt Gretna. Years ago when Mt Gretna had fireworks displays. Allwine was involved with the process and could offer advice to the Supervisors on this issue. A phone number was provided to Mgr Grumbine.

C.) Sieber Agreement – Elias Avenue Fire

Mgr Grumbine had met with John and Nancy Sieber regarding the fire at their home. They are hoping to have a temporary mobile home placed on their property to live in while repair work is being completed to their home. Sol Wolf has recommended the Twp enter into an agreement, as we have done in the past. A period of 12 months is listed in the agreement as the Siebers have been told it will take 9-10 months for the repairs to be completed.

Sieber Agreement – Elias Avenue Fire (con't)

Once the Certificate of Occupancy has been received the temporary home would be removed. Suv Hawkins questioned if the 12 months is not long enough, then what? She was informed the Siebers are able to appeal to the Supervisors for an extension on the time. Sol Wolf suggested that a phrase should be added in the agreement that the Siebers are financially responsible for any legal fees the Twp might incur.

MOTION was made and seconded to enter in an agreement with John and Nancy Sieber regarding temporary housing while repairs to their fire-damaged home are being completed. Unanimously carried.

SOLICITORS REPORT – Solicitor Frederick Wolf**A.) N 11th Avenue RR Crossing – Decision Received from PUC; Appeal Filed**

Sol Wolf reviewed the decision that was handed down by the Commonwealth Court on this issue. An appeal has been applied for with the Supreme Court. Lebanon City and Lebanon County have joined NLT in the appeal process. Mgr Grumbine has contacted PSATS for their support on this issue. All the previous information has been provided for this appeal.

When a question was raised Sol Wolf explained the financial decisions that had been made with this issue. The MPO (County) would install the gates and signals at this location. North Lebanon Twp and Lebanon City are to be responsible for maintenance. What is not clear, in the decision, is future maintenance such as extreme repairs or replacement. Discussion followed regarding the traffic situations in this area.

B.) Right-To-Know Law

Sol Wolf provided the Supervisors a MEMO on this new law which goes into effect January 1, 2009. He has also provided Mgr Grumbine with regulations and forms that will be required.

C.) Code Enforcement Issues

Lt Wengert is proceeding with some of the outstanding non-compliance cases. He provides periodic update information to the Supervisors.

D.) Homeowners Association Documents – The Crossings at Sweet Briar

The submitted document, the Declaration, has been reviewed by Mgr Grumbine and Sol Wolf. This document is very similar to the documents for the Briar Lake Association. A review of the remaining documents, the by-laws of the Home Owners Association and the Public Offering Statement, will be reviewed once they are received. These documents will also be similar to the Briar Lake documents.

E.) Truck Traffic Agreement – Kreiders Property Tunnel Hill Road

A meeting was held with Bob Gearhart of Matthew & Hockley, Sol Wolf and Mgr Grumbine earlier today. They discussed revisions to the agreement and what exhibits will be required for the agreement. Once the exhibits are prepared and the additional information is added into the agreement, a finalized draft agreement will be provided to the Board and County Planning as well as NLT Planning Commission.

F.) Ordinance Updates for 2008; Ord 6-2008

Sol Wolf prepared a draft of Ord 6-2008 which addresses some changes to the Garbage & Refuse ordinance within the Twp. These amendments are being made per a request from DEP. Sol Wolf is asking for authorization to have the ordinance advertised for a public hearing. The fee schedule and regulations for the GLRA was discussed.

MOTION was made and seconded to authorize the advertisement of Ordinance 6-2008. Unanimously carried.

The draft of the annual ordinance revisions that he and Mgr Grumbine have been working on will provided to the Supervisors by the end of the year for their review.

G.) Non-Conforming Certificate – 1205 Mt Zion Road

Sol Wolf provided a revised draft of the Non-conforming certificate for the property at 1205 Mt Zion Road. The property owner's names were added to the previous draft. This draft will be forwarded to the owners, as the Board gave their consent to this draft.

H.) Always Bagels Update

Mgr Grumbine received information that the financing is now in place for Always Bagels and the settlement will be scheduled in the near future. In response to Suv Brensinger's question Sol Wolf stated that once the settlement takes place, it is his understanding construction will start. Mgr Grumbine said that before the plans are released from the Twp office all invoices must be settled with the Twp.

COMMENTS FROM BOARD MEMBERS**A.) Suv Ken Artz – Election Day**

Suv Artz commended on the Election Day turn out of voters. He was impressed to see the lines in the polling locations as this was never witnessed before.

As there was no more business to conduct or discuss the meeting adjourned.

Respectfully Submitted,

Theresa L. George
Recording Secretary